

# Strasburger

ATTORNEYS AT LAW

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January 24, 2012

**BY E-FILING**

Ms. Cynthia A. Brown  
Chief of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

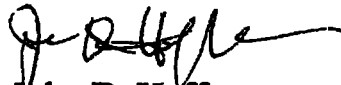
**RE: FD 35559, Saratoga and North Creek Railway, LLC  
-Operation Exemption-Tahawus Line**

Dear Ms. Brown:

231729

I am writing on behalf of Saratoga and North Creek Railway, LLC ("Saratoga") to bring to the Board's attention a resolution from the North Country Regional Economic Council Plan and a letter from the Adirondack On Track Partnership supporting Saratoga's plan to provide common carrier railroad service over the Tahawus Line. Collectively, these statements and others that have been filed in this proceeding demonstrate widespread support for Saratoga's proposed railroad service from a variety of governmental organizations, state officials, economic development agencies, tourist organizations, and ordinary citizens.

Respectfully submitted,

  
John D. Heffner

ENTERED  
Office of Proceedings

Attachments JAN 24 2012

cc: all parties **Part of  
Public Record**

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Strasburger & Price, LLP

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Austin • Collin County • Dallas • Houston • San Antonio • New York, N.Y. • Washington, D.C. • Strasburger & Price, SC - Mexico City

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

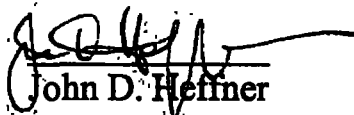
**FD 35559**

**SARATOGA AND NORTH CREEK RAILWAY, LLC  
—OPERATION EXEMPTION—  
TAHAWUS LINE**

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**CERTIFICATE OF SERVICE**

I hereby certify that I mailed a copy of the "Support transmittal letter" of Saratoga And North Creek Railway, LLC, dated January 24, 2012, in the above-captioned proceeding by first class United States Mail and/or electronic transmission to all parties on the Board's service list on January 24, 2012:



John D. Heffner  
Strasburger & Price  
1700 K Street, N.W.  
Suite 640  
Washington, D.C. 20006  
(202) 742-8607

**RESOLUTION SUPPORTING APPLICATION OF SARATOGA AND  
NORTH CREEK RAILWAY, LLC BEFORE THE SURFACE  
TRANSPORTATION BOARD TO PROVIDE RAIL SERVICE ON THE  
EXISTING APPROXIMATELY 29.71 MILES OF RAIL TRACK KNOWN AS  
THE "TAHAWUS LINE" RUNNING FROM NORTH CREEK, NEW YORK  
WITH TERMINUS AT NEWCOMB, NEW YORK**

**RESOLUTION NO.: 67, 2012**

**INTRODUCED BY: Mr. Ronald Montesi  
WHO MOVED ITS ADOPTION**

**SECONDED BY: Mr. Tim Brewer**

WHEREAS, Saratoga and North Creek Railway, LLC has applied to the Surface Transportation Board for permission to reactivate the Tahawus line, and

WHEREAS, once approved for use, Saratoga and North Creek Railway, LLC intends to utilize the Tahawus line to haul freight and support economic development, and

WHEREAS, existing rail lines have become an increasingly important alternative for shipping and receiving for small to medium size Adirondack businesses as the price of gasoline and diesel fuel increases, and

WHEREAS, the North Country Regional Economic Council Plan identified rail importance as a major component of the region's economic health and calls for the retention of all existing rail lines, and

WHEREAS, the rehabilitation and use of the Tahawus rail line as proposed by Saratoga and North Creek Railway, LLC holds the potential for additional future passenger and tourism services, while accommodating freight shipments to existing businesses, and

WHEREAS, the application of Saratoga and North Creek Railway, LLC to reactivate the

Tahawus line has been met with vehement opposition by Protect the Adirondacks!, Inc., as well as resistance by the NYS DEC, Division of Lands and Forest, and

WHEREAS, it is the opinion of the Queensbury Town Board that leaving these existing tracks in place and unused is a waste of a community asset, and

WHEREAS, if a viable proposal for use of this existing infrastructure is made and will be pursued (as we understand it has) then the tracks should be used for this purpose – otherwise, if no future use of the rails is deemed feasible or likely should other alternative uses for this rail bed be pursued so that this asset does not continue to deteriorate and remain in limbo, unused for any benefit as has been the situation for many years,

NOW, THEREFORE, BE IT

RESOLVED, that the Queensbury Town Board hereby expresses strong support for the application of Saratoga and North Creek Railway, LLC to the Surface Transportation Board for permission to operate the Tahawus line, and

BE IT FURTHER,

RESOLVED, that the Town Board believes that leaving the rail line in place, unused in any way is not to the public's benefit and that it should be allowed to be put to use, preferably as currently proposed by Saratoga and North Creek Railway, LLC, but ultimately if no rail use will be pursued in the near future than for some other public use, and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Clerk to send a certified copy of this Resolution to the Surface Transportation Board, the New York State Department of Environmental Conservation, Division of Lands and Forest, the Essex County Board

of Supervisors, the Hon. Elizabeth O'C. Little, the Hon. Teresa Sayward, the Adirondack Association of Towns and Villages and such other officials and entities as deemed appropriate by the Town Board, and

**BE IT FURTHER,**

**RESOLVED,** that the Town Board further authorizes and directs the Town Supervisor and/or Town Clerk to take such other and further actions as may be necessary to effectuate the terms of this Resolution.

Duly adopted this 23<sup>rd</sup> day of January, 2012, by the following vote:

**AYES:** Mr. Montesi, Mr. Strough, Mr. Brewer, Mr. Stec

**NOES:** None

**ABSENT:** Mr. Metivier

# **ADIRONDACK ON TRACK PARTNERSHIP**

P.O. Box 310  
Plattsburgh, New York 12901  
January 24, 2012

Ms. Cynthia A. Brown  
Chief of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20423

Re: FD 35559, Saratoga and North Creek Railway, LLC;  
Operation Exemption - Tahawus Line

Dear Ms. Brown:

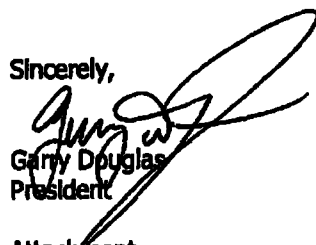
The Adirondack On Track Partnership is a broad coalition of more than 35 organizations and officials committed to the preservation and renewal of all existing rail infrastructure in the Adirondack region of New York, specifically including the line from North Creek to Tahawus.

The surviving rail lines such as the Tahawus line are an indispensable part of the already severely limited inventory of transportation infrastructure in the Adirondacks, and must be retained and renewed for their unique strategic role in supporting the future green movement of people, tourists and goods.

Attached is a list of the substantial coalition of interests currently comprising the Adirondack On Track Partnership.

The Partnership, as stated, specifically regards the proposed rehabilitation and reactivation of the rail line to Tahawus as a transportation and economic development priority, and calls upon the Surface Transportation Board to expeditiously facilitate any and all required permits.

Sincerely,



Gary Douglas  
President

Attachment

# **ADIRONDACK ##### ON TRACK ##### PARTNERSHIP**

A broad and growing coalition in support of the preservation and renewal of all existing rail infrastructure in the Adirondacks, including the Adirondack rail line from Remsen to Lake Placid, the Saratoga & North Creek line to Tahawus, and the railway to Newton Falls.

These surviving rail lines are an indispensable part of the already severely limited inventory of transportation infrastructure in the Adirondacks, and must be retained for their unique strategic role in supporting the future green movement of people, tourists and goods.

Priority commitment is required for the rehabilitation of the Adirondack Railway between Saranac Lake and Tupper Lake, the permitting of planned rail activity to Tahawus, and the planned rehabilitation of the rail line to Newton Falls.

**NORTH COUNTRY CHAMBER OF COMMERCE**

**TUPPER LAKE CHAMBER OF COMMERCE**

**ADIRONDACK-NORTH COUNTRY ASSOCIATION**

**ARISE**

**ADIRONDACK ASSOCIATION OF TOWNS AND VILLAGES**

**CENTRAL ADIRONDACK ASSOCIATION**

**ADIRONDACK REGIONAL TOURISM COUNCIL**

**ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD**

**ESSEX COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**FRANKLIN COUNTY LEGISLATURE**

**VILLAGE OF TUPPER LAKE**

**VILLAGE OF SARANAC LAKE**

**ADIRONDACK RESORT AND CLUB**

**NATURAL HISTORY MUSEUM OF THE ADIRONDACKS**

**ADIRONDACK OBSERVATORY**

**SARATOGA AND NORTH CREEK RAILROAD**

**LODGE AT LAKE CLEAR**

**SENATOR BETTY LITTLE**

**ASSEMBLYWOMAN TERESA SAYWARD**

**NORTH COUNTRY REGIONAL ECONOMIC  
DEVELOPMENT COUNCIL**

**SARANAC LAKE AREA CHAMBER OF COMMERCE**

**MOHAWK VALLEY CHAMBER OF COMMERCE**

**ADIRONDACK ECONOMIC DEVELOPMENT  
CORP.**

**ADIRONDACK PARTNERSHIP**

**ADIRONDACK ARCHITECTURAL HERITAGE**

**NEXT STOP TUPPER LAKE!**

**FRANKLIN COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY**

**HAMILTON COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY**

**ADIRONDACK RAIL PRESERVATION SOCIETY**

**TOWN OF TUPPER LAKE**

**TOWN OF HARRIETSTOWN**

**TUPPER LAKE REVITALIZATION COMMITTEE**

**PAUL SMITH'S COLLEGE**

**REGIONAL OFFICE OF SUSTAINABLE TOURISM**

**HISTORIC SARANAC LAKE**

**ASSEMBLYWOMAN JANET DUPREY**

**CENTRAL ADIRONDACK PARTNERSHIP**